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The Honorable Orrin G. Hatch
 Chairman
 Senate Judiciary Committee
 Dirksen Senate Office Building, Room 224
 Washington, DC 20510

Via Fax: 202-228-0861


Dear Chairman Hatch:

I am writing to you on behalf of my six year old son with Down syndrome and the many family and friends who love him. We urge you to not confirm Jeffrey Sutton to the Sixth U.S. Circuit Court of Appeals. As the parent of a special needs child, it isn't easy to find the time to write political leaders such as yourself, nonetheless stay involved in the political process. I do so at great sacrifice. It is disheartening, therefore, to find my hard fought efforts to advocate people with developmental disabilities be undermined by Mr. Sutton with his history of efforts to limit Congressional authority in the area of disability rights.

In *University of Alabama v. Garrett*, Mr. Sutton argued successfully that Congress did not have the authority under the Constitution to apply the ADA to States in employment discrimination suits for damages. He argued that unnecessary institutionalization should not be a violation of the ADA in the *Olmstead v. L.C.* case. Mr. Sutton's positions in these and other cases represent a view of Congress's authority under the Equal Protection Clause, Spending Clause, and Commerce Clause that would dramatically restrict your ability to pass laws protecting the rights of Americans with disabilities, older workers, and others under the Constitution.

Mr. Chairman, you have been a long-time supporter of federal civil rights for Americans with disabilities. We need your help now to keep this effort moving in the right direction. All human beings have value, Mr. Chairman, even the small, weak, and helpless; even the mentally and physically challenged; even unborn and the aged.

Respectfully,


 Jo Cunningham
 Parent

cc: The Honorable Patrick J. Leahy, Ranking Member
 Senate Judiciary Committee Members